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May 13, 2021

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Krohnengold v. New York Life Ins. Co., et al.*, No. 21-cv-1778 (JMF)

Dear Judge Furman:

Pursuant to the Court’s Individual Rules and Practices, the Parties in the above referenced action hereby jointly move for adjournment of the Court’s June 3, 2021 Rule 16 initial pretrial conference to a date, if available, between June 4 and June 10, 2021. The Parties also jointly move for extension of the deadlines related to Defendants’ forthcoming motion to dismiss the Complaint (the “Motion”). In support of these requests, the Parties respectfully state as follows:

1. On March 4, 2021, the Court issued its Notice of Initial Pretrial Conference (ECF No. 6), scheduling this action’s initial pretrial conference for June 3, 2021 at 3:15 p.m.
2. Recently, lead Plaintiff’s counsel learned that his son’s graduation from high school has been re-scheduled to June 3rd to allow for limited in-person attendance pursuant to relaxed COVID-related restrictions. This counsel is principal trial counsel for Plaintiff, and this rescheduled high school graduation ceremony creates an unavoidable conflict.
3. Despite counsel’s conflict, the Parties do not seek a new date that could cause undo delay in this matter and therefore respectfully ask that the Court reschedule the initial pretrial conference within one week of the June 3rd date. If the Court does not have availability between June 4 and June 10, other counsel for Plaintiff will appear at the initial pretrial conference as currently scheduled on June 3rd.
4. Defendants’ answer or other response to the Complaint in this Action is due May 24, 2021. Defendants intend to file the Motion on that date.

5. Pursuant to Local Civil Rule 6.1, Plaintiff's opposition to the Motion would be due within 14 days, or on June 7, 2021. Defendant's reply in support of the Motion would be due 7 days thereafter, or on June 14, 2021.
6. The Parties respectfully request extensions of these dates as follows:
 - a. Plaintiff's opposition to the Motion: July 1, 2021
 - b. Defendant's reply in support of the Motion: July 29, 2021
7. This request for an extension of time comports with Federal Rule of Civil Procedure 6(d), which provides that the Court may, for good cause, grant motions for extensions of time. Good cause exists to grant the present motion. The additional time requested here is necessary for the Parties to fully prepare their respective responses in this complex ERISA action. Furthermore, given prescheduled vacations and holidays during this time, both Parties require additional time to fully brief these issues.
8. No previous requests for adjournment of the initial pretrial conference or extensions related to the Motion have been made.
9. A proposed order providing this relief is attached.

Respectfully submitted,

/s/ Scott M. Lempert

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Application GRANTED. The proposed briefing schedule is
ADOPTED. In light of Defendants' intent to move to dismiss, the
initial pretrial conference currently scheduled for June 3, 2021 is
ADJOURNED *sine die*. The Clerk of Court is directed to terminate
ECF No. 24. SO ORDERED



Janice B. Brown

May 14, 2021